

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Justin Deonta Strom

v.

Case No. 23-cv-176-LM

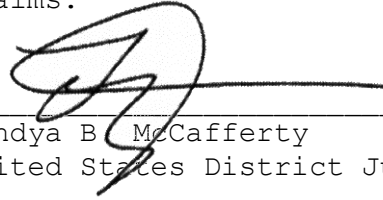
FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated February 12, 2024 . “[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.” School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The Warden's motion for summary judgment (Doc. No. 5) is denied without prejudice to his ability to file a motion for summary judgment on the merits. The respondent is directed, within thirty days of the date of the order, to either file a motion for summary judgment on the merits of Strom's claims or advise the court that an evidentiary

hearing is necessary to resolve those claims.

A handwritten signature in black ink, appearing to be 'Landya B. McCafferty', written over a horizontal line.

Landya B. McCafferty  
United States District Judge

Date: March 13, 2024

cc: Justin Deonta Strom, pro se  
Counsel of Record